

REMARKS

In the Specification, Paragraph [0001] has been amended to include recitations identifying the granted patent numbers for each of the applications previously identified and incorporated into the Specification by reference. No new matter has been added to the application by the amendment.

The Office Action mailed September 14, 2005, has been received and reviewed. Claims 1 through 43 are currently pending in the application. Claim 43 stands rejected. Claims 1 through 42 have been allowed. Applicants have amended Claim 43, and respectfully request reconsideration of the application as amended herein.

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement was filed herein on January 29, 2003, and that no copy of the PTO-1449 was returned with the outstanding Office Action. A second copy of the January 29, 2003, Supplemental Information Disclosure Statement, PTO-1449, and USPTO date-stamped postcard were filed on July 1, 2005. Applicants respectfully request that the information cited on the PTO-1449 be made of record herein and that an initialed copy of the PTO-1449 evidencing consideration of the cited references be returned to the undersigned attorney. For the sake of convenience, a copy of the January 29, 2003, Supplemental Information Disclosure Statement, PTO-1449, and USPTO date-stamped postcard are submitted herewith.

35 U.S.C. § 112 Claim Rejections

Claim 43 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Action alleges that “forming a contact hole through the capacitor storage node” is not supported by the as-filed Specification. Applicants respectfully traverse this rejection, as hereinafter set forth.

The subject matter of Claim 43 is supported by the as-filed Specification. In particular, Claim 43 is at least supported by the recitations at page 16, lines 11 through 16 of the Specification and by Figure 16.

As illustrated in Figure 16, contact hole 106 (shown in phantom) extends through the bulk insulator layer 51, cell plate insulator layer 48, cell plate layer 46, capacitor cell dielectric 44 and storage node layer 42, where it contacts active area 18a. The illustrated embodiments in Figure 16 sufficiently disclose the recitations of Claim 43, including “forming a contact hole through the capacitor storage node.”

Further, the Specification recites that “Electrically conductive contact 102 is situated within contact hole 106 and passes through a sleeve insulator layer 53 to make contact with storage node layer 42.” *See, Specification* at p. 16, lines 13-15. These recitations, alone or in conjunction with the illustrated embodiments of Figure 16, sufficiently support the recitations of Claim 43.

For at least the foregoing reasons, Applicants respectfully request that the 35 U.S.C. § 112, first paragraph, rejection of Claim 43 be withdrawn.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 5,973,910 to Gardner

Claim 43 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Gardner (U.S. Patent No. 5,973,910). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 43 recites, in part, “forming a sleeve insulator layer within the contact hole extending from a terminus adjacent to the cell plate insulator layer to an opposite terminus that is below the capacitor dielectric layer and above the semiconductor substrate.” Gardner does not describe a method of forming a sleeve insulator layer as recited in Claim 43. In particular, Gardner at least fails to describe forming a sleeve insulator layer having a terminus “above the semiconductor substrate.” The lack of such description in Gardner precludes an anticipation rejection under 35 U.S.C. § 102(e) because a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Gardner fails to describe the formation of a sleeve insulator layer as recited in Claim 43. Contrary to the Action's allegations, the sleeve insulator layer (sidewall insulator 107) of Gardner is not formed above the semiconductor substrate (substrate 100); it is formed directly on top of the semiconductor substrate. Figure 1E, as relied upon by the Action, clearly illustrates that the sidewall insulator 107 of Gardner is formed on the substrate 100 and not above it. Thus, Gardner does not recite the formation of a sleeve insulator layer having a "terminus that is below the capacitor dielectric layer and above the semiconductor substrate" as recited in Claim 43. The lack of a detailed description of the formation of a sleeve layer as recited in Claim 43 precludes an anticipation rejection of Claim 43. *See, Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For at least the foregoing reasons, Claim 43 is not anticipated by Gardner and Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) anticipation rejection.

Applicants appreciate the notification that Claims 1 through 42 are allowable. Applicants submit that amended Claim 43 is also allowable over the stated rejections based upon the Remarks herein. Applicants respectfully request reconsideration of the rejections of Claim 43.

ENTRY OF AMENDMENTS

The amendments to Claim 43 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 43 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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